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Committee Meeting - Senator Pastore and Senator Mansfield

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Wirtz. Few of us would have had the endurance to stand up under such an extended and frustrating ordeal—and "frustrating" is the proper term. Sometimes the indications were that headway was being made; at other times the reverse was true. Meanwhile, the committee, Congress, and the Nation are aware of the deadline which confronts the Nation if the parties to the dispute carry out their intentions.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. Is it not true that during the course of the negotiations the majority leader on at least five, possibly six, occasions held meetings in his office, meetings which were attended by the chairman of the committee, the distinguished Senator from Washington [Mr. MAGNUSON] and the distinguished Senator from Rhode Island [Mr. PASTORE], who for much of the time was acting chairman of the committee, and with other interested Senators; and that at those times various proposals were advanced seeking to bring about an accommodation of the parties, seeking to bring about an equitable settlement of the dispute, and thereby avoid the necessity of legislation? Is not that a correct statement?

Mr. MAGNUSON. Not only is that a correct statement; but the majority leader also held conferences and worked with the Secretary of Labor. I am sure the majority leader talked with the parties to the dispute themselves. Most of the members of the committee have done so.

Mr. MANSFIELD. No; I must state for the RECORD that I tried to keep the meetings unpublicized and private, away from the press, the television, and the representatives of both sides to the dispute, because they were not in attendance at those meetings. It was a problem with which the Congress was confronted, and to which a solution had to be found, if the parties themselves did not agree to some sort of settlement.

So far as the distinguished Senator from Rhode Island is concerned, he never missed a meeting; he was always on the lookout for a possible settlement. He worked long hours and tried to do the best he could.

Speaking of the unanimous vote by which the joint resolution was reported from committee, if my memory serves me correctly, the Senator from Rhode Island, after the vote on the joint resolution, left the city and did not know about the so-called 9-to-8 division until he returned this morning.

Mr. PASTORE. I do not like the connotation "left the city." I went home. (Laughter.)

Mr. MANSFIELD. I stand corrected.

Mr. PASTORE. But I say to the Senator from Montana that one thing the Senator from Rhode Island did not do was to get on his knees and beg both sides to resolve their differences through the process of collective bargaining.

Mr. MAGNUSON. That is correct.

Mr. PASTORE. Let us face the fact: These were the issues that were pending as of November 2, 1959. Many issues

have arisen since then, and many more will arise in the future.

The carriers will have to live with the brotherhoods. I am saying this because they are decorating our galleries today. The brotherhoods will have to live with the carriers. Sooner or later they will begin to look in one another's eyes. The sooner they begin to look in one another's eyes, the sooner they will begin to bring about a better understanding between themselves, the better off Congress will be, the better off the country will be, and the better off management and labor will be in the operation of the railroads; because this is the beginning of nothing. This proposal will merely resolve questions which up to this time have been insoluble—and I can understand why: because they are intricate, complex, and involve the bread and butter of workers.

But let no one make a mistake: The ultimate answer to this problem is collective bargaining. The sooner the parties themselves come to an understanding, the better off everyone will be.

This is the only speech I shall make on the joint resolution.

Mr. MANSFIELD. Mr. President, will the Senator from Washington further yield?

Mr. MAGNUSON. Before I yield, I suggest to the Senator from Rhode Island that he does not go quite far enough. This is the first time, in a major way, that we have been confronted with a situation such as this, relating to what we like to term general automation. It is the same kind of dispute that involved the airlines, in a minor way, with the flight engineers. It is the same kind of dispute as will evolve from many problems on the water front and many problems in all other forms of transportation. This is what makes the present problem so difficult, as the Senator from Rhode Island points out. I am seeking to recite for the RECORD the chronological facts, not to get into other matters. It is a difficult responsibility for anyone who represents a labor group to go back to his people and say, not that he negotiated with respect to normal labor matters, as to which there are historic procedures, but with respect to something to which that sort of procedure no longer applies. What is happening now is comparatively new. A labor negotiator does not want to go back to his people and say, "I negotiated so that 10,000 or 15,000 of you will lose your jobs." This is something new; I feel certain it will occur over and over again in the transportation industry in the next 4 or 5 years.

I heartily agree with what the Senator from Rhode Island has said. I would go further in this field.

I yield to the Senator from Montana.

Mr. MANSFIELD. It should be brought out now that the Senate has before it a joint resolution. At the meetings which were called by the majority leader, in addition to the presence of the distinguished chairman of the committee [Mr. MAGNUSON] and the distinguished acting chairman of the committee [Mr. PASTORE], during the absence of the Senator from Washington, another Senator was in constant attend-

ance—the distinguished senior Senator from Oregon [Mr. MORSE], who, in my opinion, has one of the best minds in the country in matters involving labor and who has, over the years, made many sound contributions to the betterment of labor in this country. I wish to say to all of them that even though the plan I suggested did not meet with their approval, because of conditions over which they had no control, and although the plan which we thought had met with approval on Wednesday or Thursday of last week did not come to fruition, nevertheless we did try—and I am not saying this defensively—to arrive at an equitable area wherein agreement could be reached.

When the distinguished chairman of the committee used the word "automation," he put his finger on the biggest difficulty which the rail industry and other segments of the economy face today.

Let me point out, for the RECORD, that the day after the President sent us his message and his proposal on the rail dispute, the Senator from Oregon [Mr. MORSE] introduced a joint resolution seeking to bring about a congressional study to cope with the problem of automation, to the end that, insofar as possible, in advance rather than at the end, as seems to be the case at the present time, I believe that the distinguished Senator from New York [Mr. JAVITS] joined the Senator from Oregon in the introduction of that joint resolution at that time. I think the RECORD should be made clear.

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negotiations tentative agreement was reached with respect to portions of such suggestions; and

Whereas, on August 16, 1963, the carrier parties to the dispute accepted and the organization parties to the dispute accepted with certain reservations the Secretary of Labor's suggestion that the fireman (helper) and crew consist issues be resolved by binding arbitration but the said parties have been unable to agree upon the terms and procedures of an arbitration agreement: Therefore be it

The amendments were agreed to.

The joint resolution was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that Senate Joint Resolution 102 be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I wish to pay testimony to the minority members of the Commerce Committee, particularly the Senator from New Hampshire [Mr. COTTON] and the Senator from Kentucky [Mr. MORTON], who have been so diligent and assiduous in the development of the joint resolution and in bringing it to final passage. I believe they deserve a special encomium on my part. I can salute the majority members of the committee, as well, for a job well done in very difficult and trying circumstances.

Mr. MANSFIELD. Mr. President, I join the distinguished minority leader, not only in what he had to say about the minority members of the Commerce Committee for contributing to the passage of the joint resolution, but also in paying tribute to the chairman of the committee, the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], who was at times the acting chairman of the committee, the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. HART], and the Senator from California [Mr. ENGLE] who each contributed so much to working out the difficult problems connected with this bill.

I also pay tribute to the distinguished senior Senator from Oregon, who, despite the fact that he raised questions which perhaps raised the hackles of some, nevertheless performed a public service, as always, in bringing questions of great difficulty and importance before the Senate for its consideration.

I am not by any means completely satisfied with the joint resolution as passed. However, sometimes we must do the best we can under the circumstances, in the interest of comity, and in the interest of meeting a deadline. That was the situation in this case.

I am sure that no Senator who voted for the joint resolution was absolutely satisfied in his own mind that it was the best answer to the problems which this difficult situation brought to our attention, but it was the best that we could do under the circumstances. We hope that tomorrow, as we anticipate, the House will act expeditiously, that the Congress will meet the deadline, and that at 12:01 a.m. on Thursday next, instead of the posting of work rules and a strike, the trains will be running and the em-

ployees of the railroads will be performing their jobs.

Mr. JAVITS. Mr. President, I have two points which I should like to make to the Senator. First, the Senator spoke of automation and the Presidential Commission on Automation. Together with the distinguished Senator from Oregon [Mr. MORSE], I have introduced a joint resolution—Senate Joint Resolution 105. Because the President's plan went down the drain, it does not mean that the question of what to do about automation should similarly go down the drain.

Mr. MANSFIELD. I share that hope most sincerely, because, as has been pointed out by the distinguished Senator from New York and other Senators, it is the key to the difficulties which confront us with respect to such legislation as we have just considered and which will confront industry more and more in the days ahead.

Mr. JAVITS. I have discussed the subject with the Senator from Oregon [Mr. MORSE]. He heads the subcommittee which could give this problem a hearing. I am pleased to inform the majority leader that the Senator from Oregon has assured me that he will give the bill an early hearing, so that the Senate will have an opportunity to consider the question. I am sure—and this is my reason for mentioning it now—that it will have the cooperation of the majority leader in respect to trying to have some action taken upon the possibility of creating a Presidential commission, as requested by the President, even at this session.

Mr. MANSFIELD. The Senator from New York may be assured of my support, for whatever it is worth. I am delighted to know that he and the Senator from Oregon are combining their talents to carry out the recommendation made by the President last month.

Mr. JAVITS. Having in mind what the majority leader has said about the joint resolution and his own unhappiness with it, let me state why I finally voted for it. Perhaps it might be of some interest to him and to other Senators.

It was a troublesome question for me. I feared very much to undertake a course of compulsory arbitration. But the problem of keeping the country operating dictated strongly to me the need for the residual power of seizure in the President. Also, in thinking the problem through, I felt that the only choice which was offered in order to keep the country running was the joint resolution. Notwithstanding my own desires, I felt I could not, in good conscience, indulge the luxury of standing out and saying, "No," as a matter of principle, when I knew this was the only way left, all other routes having been exhausted.

Mr. MANSFIELD. I appreciate the sentiments expressed by the distinguished Senator from New York. While there are few measures that satisfy any of us completely, the joint resolution raises many questions, so far as labor and possible legislation in the future are concerned.

I would hope that labor would take this to heart.

As the Senator from New York says, in effect, all we can do is to "Call them as we see them" and "Let the cards fall where they may."